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November 8, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

> **Re: Amendment of Part 11 of the Commission's Rules Regarding the Emergency
> Alert System, PS Docket Nos. 15-94 and 15-91**

Dear Ms. Dortch:

On November 4, 2016, Loretta Polk, Stephanie Podey, and Andy Scott of NCTA – The
Internet & Television Association participated in a teleconference concerning the Emergency
Alert System (EAS) Notice of Proposed Rulemaking with the following staff from the FCC
Public Safety & Homeland Security Bureau (PSHSB): James Wiley, Jane Kelly, Austin
Randazzo, Jessica Krentz, and Steven Carpenter. The PSHSB staff requested the call with
NCTA to address specific questions and issues related to the following topics in the proceeding:
emerging video technology, programmed channels, multilingual alerting, accessibility,
equipment updates, false alerts, and security practices.

Emerging Video Technology. In response to a question from staff about EAS alerts over
emerging video technology, NCTA representatives explained that some cable operators deliver
Title VI cable video programming using IP (Internet protocol) technology, and such services are
subject to Title VI obligations, including EAS.[1] (By contrast, as is made clear in the record, EAS
obligations do not – and should not – apply to any non-cable services delivered over the Internet
that are provided by cable operators).[2] Title VI cable services delivered via IP technology on a
managed basis by cable operators provide EAS messages on video programming whether
delivered via operator-supplied set top boxes in the home, or to cable apps that customers
download to their tablets, smartphones, or other IP-capable devices. Along these lines, we also
urged the Commission to maintain its current well-understood and statutorily appropriate
approach in the EAS rules with respect to "programmed channels."[3] Moreover, we emphasized
that the cable industry supports continued discussion about modernization of EAS, and that a

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[1]   *See* NCTA Comments at 17-18, nn. 44 & 47; Comcast Comments at 4-5; ACA Comments at 29.

[2]   *See* NCTA Comments at 16-20; Comcast Comments at 6-10; ACA Comments at 28-29.

[3]   *See* NCTA Comments at 15-16; Comcast Comments at 5-6; ACA Comments at 26-28.

constructive way to proceed would be for the Commission to convene a multi-stakeholder initiative to examine how to best leverage technological advancements.[4]

Equipment Updates. In response to a question about how often EAS equipment is replaced or updated in the regular course of business, we explained that there is no set timeframe for equipment replacement. EAS equipment typically has a long shelf life. If installed equipment is functioning properly and meets the requirements in the rules, there is no reason to change it. Operators typically only replace the equipment if they cannot get software or firmware updates. Regarding updates, operators modify equipment to accommodate rules changes and to address problems that become evident based on regular testing. We also explained that EAS touches every aspect of a cable operator's video delivery system, *i.e.* not only the EAS encoder/decoder equipment, but a complex system of multiple devices downstream from this equipment, such as application servers, set-top box controllers, set top boxes and their operating systems, as well as various formats and protocols used to signal EAS events.

False Alerts. In response to question about the timeframe for reporting a false alert, NCTA explained that there is no evidence in the record of a systematic, widespread problem with false alerts, and none involving cable systems, so there is no basis for establishing a reporting regime for false alerts. As explained in our comments, cable operators disseminate EAS alerts on an automated basis and have no way to determine that an EAS transmission is false using current equipment. The feasibility of any proposed technology solution for authenticating every EAS message would require extensive analysis and impose significant cost on cable operators.

Security Practices and Certification. The staff asked how likely are participants complying with security best practices identified in the Communications Security Reliability and Interoperability Council (CSRIC) report and in the areas outlined in the NPRM, including keeping EAS devices and connected systems updated with software and firmware (patch management), maintaining access controls (account management), preventing unauthorized internet access to EAS devices (segmentation), and validating digital signatures on Common Alert Protocol (CAP) messages (validation). We confirmed that cable operators continuously work to maintain a high level of safety and security of their EAS systems in each of the foregoing areas and consistent with their overall network risk management. There is no need to create a certification regime or impose regulatory mandates.

Multilingual Alerting. Consistent with the Commission's recent Order and our comments in this and previous proceedings, we noted that alert originators are best positioned to determine when to issue EAS alerts in multiple languages, not cable operators or other EAS participants.[5] In any event, a rule requiring cable operators to provide multilingual EAS messages would be premature given the nascent status of technological advancements in this area. Moreover, a

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[4]   *See* NCTA Comments at 21-23.

[5]   *See e.g. In re Review of the Emergency Alert System; Ind. Spanish Broad. Ass'n, the Office of Commc'n of the United Church of Christ, and MMTC, Petition for Immediate Relief; Randy Gehman,* Petition for Rulemaking, Order, 31 FCC Rcd 2414 ¶ 20 (2016); NCTA Comments at 20-21 & n.57.

CSRIC working group studied the issue and concluded that it is too early to consider any additional regulation or requirement pertaining to multilingual alerting.[6]

Sincerely,

/s/ Loretta Polk

Loretta Polk

cc: James Wiley
        Jane Kelly
        Austin Randazzo
        Jessica Krentz
        Steven Carpenter

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[6]   CSRIC Working Group 3, Emergency Alert System, Final Report - Multilingual Alerting Recommendations at 2 ("In general, WG3 found that multilingual capabilities, especially in the area of message origination, are still in the early stages. The experience pool is too shallow to inform Best Practices. As such, it is too early to consider any additional regulation or requirement pertaining to multilingual alerting.").